

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 18-CA-288619

Date Filed
01/07/2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | |
|---|--|
| a. Name of Employer Quaker Oats Company, LLC | b. Tel. No. (319) 362-3121 |
| | c. Cell No. N/A |
| | f. Fax No. (319) 369-6955 |
| d. Address (Street, city, state, and ZIP code) 418 2nd Street N.E. Cedar Rapids, IA 52401 | e. Employer Representative Dean Tammarine |
| | g. e-mail dean.tammarine@pepsico.com |
| | h. Number of workers employed 730 |
| i. Type of Establishment (factory, mine, wholesaler, etc.) Factory | j. Identify principal product or service Food Manufacturing |
| The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) The Union is filing this charge under Sections 8(a)(3) and (5) based on the Company's continued knowing violation of the CBA and refusal to bargain, because they acted unilaterally in derogation of Section 8.03 of the CBA (non-Bargaining Unit persons being directed to do Bargaining Unit work). On September 25, 2020, in connection with a contract interpretation grievance, Arbitrator Moscovitch issued a decision that management was doing Bargaining Unit work and issued a Cease and Desist Order from having supervisors perform Bargaining Unit work in violation of Section 8.03. Section 8.03 provides that no supervisor shall do work that would normally be assigned to regular workers except for instruction, emergency-relief or emergency. As described in Exhibit #1, management continues to perform Bargaining Unit work in violation of Section 8.03 of the CBA. | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Local #110, R.W.D.S.U./U.F.C.W., AFL-CIO | |
| 4a. Address (Street and number, city, state, and ZIP code) 526 F Ave. N.W. Cedar Rapids, IA 52405 | 4b. Tel. No. (b) (6), (b) (7)(C) |
| | 4c. Cell No. (b) (6), (b) (7)(C) |
| | 4d. Fax No. (b) (6), (b) (7)(C) |
| | 4e. e-mail (b) (6), (b) (7)(C) |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Retail Wholesale Department Store Union/United Food and Commercial Workers Union | |
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative of person making charge) (Print/type name and title or office, if any) | |
| Tel. No. (b) (6), (b) (7)(C) | |
| Office, if any, Cell No. (b) (6), (b) (7)(C) | |
| Fax No. N/A | |
| e-mail (b) (6), (b) (7)(C) | |
| Address 526 F Ave. N.W., Cedar Rapids, IA 52405 Date 1/6/22 | |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.